rates of that community that might promote the use of workers from different geographic areas. The amendment could prevent Federal agencies that use money from this appropriation from advising State, local, and other grant recipients of DBA application to federally assisted programs that would otherwise be subject to the DBA provisions.

This is not responsible legislation, and it's not responsible governing. I urge the defeat of this amendment, and I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in support of the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. I want to say again, as I mentioned earlier—and I think much of this has been said, so I won't belabor it—the State of Texas is a right-to-work State. There are very few, if any, labor unions in the State of Texas. We have them in a few industries, but not many.

We have to be good stewards of the taxpayers' precious dollars, and the gentleman from Arizona's amendment makes good sense. We should pay the free-market wage. We should not force taxpayers to pay an artificially high union wage when a free-market wage is available and you can get a job done well at a far better price. That just makes common sense.

Mr. Chairman, I urge adoption of the gentleman's amendment, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, let me just clear up a couple of things, especially what the gentleman from Texas just had to say.

This may be something that will be hard for him to believe, but this is, as I understand it, from the Labor Department. A Davis-Bacon wage usually is not a union wage. The Davis-Bacon prevailing wage is based upon surveys of wages and benefits actually paid to various job classifications of construction workers—an example is iron workers—in the community without regard to union membership.

According to the Department of Labor, a whopping 72 percent of the prevailing wage rates issued in 2000 were based upon nonunion wage rates. A union wage prevails only if the DOL survey determines that the local wages are paid to more than 50 percent of the workers in the job classification. So 72 percent of these prevailing wages are nonunion. I'm sure the gentleman from Texas and the gentleman from Arizona are thrilled to hear that. Sometimes the facts are revealing.

Again, we've defeated this amendment over and over and over again. Mr. Chairman, I urge the House to defeat the Franks amendment this evening, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Veterans Affairs to pay a performance award under section 5384 of title 5, United States Code.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

□ 2000

Mr. STEARNS. Mr. Chairman, I am not going to take the full 5 minutes. My amendment is pretty simple. It will prohibit funds from being paid as bonuses to employees that are classified in the Senior Executive Service.

What we found when we looked at this, the Veterans' Affairs Committee held a hearing on this, on the budget, in February of this year. The Secretary of the VA testified that their budget request was held accountable for the program results. Of course, one of the issues that came up, Mr. Chairman, was the enormous bonuses and awards that were given out to VA employees.

I think, like many of us here in the House, we are concerned about bonuses when we have so many problems in this economy, high employment, and also we have an unmanageable backlog of cases, an extremely long wait for our veterans to see mental health professionals.

Of course, the VA has a history of poor contracting process and oversight. For example, at the Miami VA Health Center, veterans may have been exposed to HIV/AIDS due to poor sterilization procedures down there. Despite these poor records, they are giving out huge bonuses for simple things like suggestions, foreign language award, travel, savings incentives, referral bonuses.

In fact, on recruitment and relocation retention alone, almost 60,000 recipients received over 450,000 in cash bonuses. My simple amendment is saying enough is enough. What we want to do is say all of government should make a sacrifice, particularly the VA. If they're giving out these huge bonuses, why don't they cut back on their senior, senior employees.

Mr. DICKS. Will the gentleman yield?

Mr. STEARNS. I yield to the gentleman.

Mr. DICKS. Could we work out an agreement here that we could take the savings from the gentleman's amendment and use that to pay the workers, the half of 1 percent raise that is denied in this? Is there a way we could work this out?

Mr. STEARNS. I thank the gentleman for his suggestions. I am just going to go with my amendment at this point. Having an opportunity to look this over, I think we have talked to the veterans committee, and we think it is a viable amendment. I think certainly as we move into conference, we can look at what you're suggesting, but right now I would just like to press this.

Mr. DICKS. I appreciate the gentleman yielding.

Mr. STEARNS. With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

Mr. CULBERSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS of New Hampshire) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE VIRGINIA FOXX, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable VIRGINIA FOXX, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court for the State of North Carolina, Surry County in connection with a criminal prosecution currently pending before that court.

After consultation with the Office of General Counsel, I have determined that because the subpoena is not ''material and relevant,'' compliance with the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

VIRGINIA FOXX,
Member of Congress.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5325, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5325.

The Chair appoints the gentleman from Georgia (Mr. WOODALL) to preside over the Committee of the Whole.

□ 2009

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. WOODALL in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 2010

Mr. FRELINGHUYSEN. Mr. Chairman, it is my honor to bring the fiscal year 2013 Energy and Water bill before the full House.

Before I begin my remarks, let me thank the full chairman, Mr. ROGERS, as well as the ranking member, Mr. DICKS, for their support of a very open process. I would also like to thank my ranking member, Congressman PETE VISCLOSKY, for his dedication to our joint mission and our close working relationship. The bill is stronger for his input and knowledge.

I would also like to thank the committee staff: Rob Blair, our clerk; Joe Levin; Loraine Heckenberg; Angie Giancarlo; Perry Yates; and Trevor Higgins. On the minority side, I would like to thank Taunja Berquam. I would also like to thank my personal staff, Nancy Fox and Katie Hazlett, and Mr. VISCLOSKY's personal staff in the form of Joe DeVo.

Mr. Chairman, the Energy and Water Development appropriations bill supports programs critical to our Nation's security, safety, and economic competitiveness. Our recommendation prioritizes investments in our nuclear security enterprise, programs to address gasoline prices, and opportunities to advance American competitiveness, including the key role of the Army Corps of Engineers.

The bill for fiscal year 2013 totals $32.1 billion. Security funding is increased by $275 million over last year, while non-security funding is cut by $188 million.

Mr. Chairman, there are no earmarks in this legislation.

We also reclaim most unused funds from previous Congresses, so this bill actually cuts spending by $623 million below last year, forcing our agencies down to more appropriate sizes and to operate with less money. The only significant increases over last year's level are to nuclear security and to develop a true all-of-the-above energy strategy. We also provide more funding to the Corps, including $1 billion for Harvard Maintenance Trust Fund projects. The recommendation also fully funds Weapons Activities to ensure that the Secretary of Energy has the investments he needs to certify to the President that our nuclear stockpile is reliable.

We have also heard from the public frustration about ''stimulus fund'' investments into failed energy projects. This bill will remove the Energy Department back to its core responsibilities—to serve Americans by protecting their security and improving our energy independence. Our bill will help improve that independence by sustaining fossil and nuclear energy research development, the latter of which is leading to investments in new nuclear power plants and developing small modular reactors. And, unlike the President, we have always considered ''clean coal'' to be part of our national energy security.

At the same time, the Department of Energy's energy programs are cut by nearly $600 million, or 6 percent, by reducing programs which received the largesse of the largely failed so-called ''stimulus'' program. No funding is provided for the Solyndra-like loan guarantee programs in our bill.

All of our constituents are wrestling with how to pay for higher gasoline bills on limited budgets. This bill does not provide a quick fix, since there's little that the Department can do in its programs to immediately change oil supply and demand. However, the bill provides over $1.01 billion—$36 million above fiscal year 2012—to strengthen the Department of Energy's programs addressing the causes and impacts of higher gasoline prices down the road.

Within this, the recommendation funds a new program to promote shale oil recovery. If we could fully use this resource, our country's reserves could equal all global conventional reserves. This would make a major dent in oil prices and reduce our dependency on foreign oil.

Additionally, scientific research at the Department of Energy strengthens American competitiveness and enables true breakthroughs in the energy sector, and the bill preserves and protects it. The bill also protects public safety and keeps America literally open for business by providing $4.8 billion for the Army Corps of Engineers, $83 million above the request and $188 million below fiscal year 2012.

As in fiscal year 2012, our bill maintains the constitutional role of Congress in the appropriations process by ensuring that all worthy Corps of Engineers projects have a chance to compete for funding. The bill provides $324 million in addition to the President's requested projects, investing in navigation and flood control—activities most critical to public safety, jobs, and our economy.

Finally, a word about Yucca Mountain. The recommendation includes $25 million for Yucca Mountain with language prohibiting activity which keeps that facility from being usable in the future. The recommendation also denies funding for Blue Ribbon Commission activities, which need legislative authorization. Research and development activities to support Yucca Mountain are permitted. This will ensure that we keep Congress in the driver's seat for nuclear waste policy.

Mr. Chairman, this is a tight, fiscally conservative bill which funds critical national security, jobs, and infrastructure priorities while helping to fight future gasoline price increases. This bill deserves our Members' support, and I look forward to an open and full discussion and open process.

I reserve the balance of my time.